

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

AB - 290 (SUB-NO. 228X)

**NORFOLK SOUTHERN RAILWAY COMPANY ABANDONMENT EXEMPTION - IN
MINGO COUNTY, WV AND PIKE COUNTY, KY**

BACKGROUND

Norfolk Southern Railway Company (NSR) filed a notice of exemption pursuant to the Board's regulations at 49 CFR 1152.50. The notice of exemption is for abandonment of its line of railroad lying between Milepost MN-0.0 at McCarr, West Virginia, and Milepost MN-0.95 at Nampa, Kentucky. The proposed abandonment involves 0.95 mile of rail line. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have contacted appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment: Department of Transportation, National Park Services, National Geodetic Survey, Department of Natural Resources, Kentucky Heritage Council, West Virginia Division of Culture and History, National Park Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Agriculture, and Coastal Zone Management.

Transportation

Traffic has not moved over this line for two years. There will be no diversion of rail traffic to motor carriage.

BIOLOGICAL RESOURCES

The Kentucky Department of Fish and Wildlife Resources and the West Virginia Department of Natural Resources have indicated no endangered species are known to occur in the area. NS is not aware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be handled generally within the right-of-way, it is unlikely that any endangered species that might be present would be adversely affected.

HISTORIC

The West Virginia Division of Culture and History has requested additional information and advises that it cannot review the project without the relevant facts. The Kentucky Heritage Council has not completed its Section 106 review. Under these circumstances, we recommend that the railroad maintain the integrity of the rail line and railroad-related structures intact until completion of the Section 106 process. The National Geodetic Survey (NGS) determined as a result of its review, one geodetic station marker, 743, has been identified that may be affected by the proposed abandonment. If there are any planned activities which will disturb or destroy this marker, NGS requires not less than 90 days notification in advance of such activities in order to plan for its relocation.

CONDITIONS

The West Virginia Division of Culture and History has requested additional information and advises that it cannot review the project without the relevant facts. The Kentucky Heritage Council has not completed its Section 106 review. Under these circumstances, we recommend that the railroad maintain the integrity of the rail line and railroad-related structures intact until completion of the Section 106 process. The National Geodetic Survey (NGS) determined as a result of its review, one geodetic station marker, 743, has been identified that may be affected by the proposed abandonment. If there are any planned activities which will disturb or destroy this marker, NGS requires not less than 90 days notification in advance of such activities in order to plan for its relocation.

CONCLUSIONS

Based on the information provided from all sources to date and subject to the recommended condition, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. **Please refer to Docket No. AB- 290 (Sub-No.228X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

Date made available to the public: 12/21/01.

Comment due date: January 10, 2002.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

MAP TO BE SCANNED